

HONOLULU'S FRANCHISES

How They Were Put Through House and Senate.

(Mail Special to the Advertiser.)

WASHINGTON, D. C., April 19.—Both the franchise bills, that for gas and that for electricity in Honolulu, finally passed Senate and House without any ado and they are now with the President for his signature. There was little debate on the bills in either House. A special rule for the consideration of the bills in the House was taken without discussion.

Mr. Dalzell, of Penn., brought up the special rule by which the electric light bill was considered. As soon as the rule was offered time was yielded to Mr. Robinson, who observed that "when we can melt the hearts of the Committee on Rules and get consideration for a non-partisan measure, it must be meritorious." He then briefly explained the provisions of the bill, told what the Territories Committee had done towards modifying it, and cited the provisions of law, formerly enacted by Congress which were of a like character to the provisions proposed in the bill. Mr. Gaines, of Tenn., showed some disposition to interrupt but, as he listened to the presentation of the case from Mr. Robinson, he gradually subsided. On the question of compensation Mr. Robinson had this to say:

"Now, upon the question of price the committee consulted the public records of the State of Massachusetts and the census bulletin upon the subject of rates of wages and the price of coal. The price in Massachusetts, as found by taking twenty selected plants, runs about 20 cents per kilowatt. Several were above that and two or three below it out of those twenty plants. The price of steam coal and labor in the Hawaiian Islands is quite important. The United States price is \$2.06 per ton; in Massachusetts, \$3.97; in Hawaii, \$3.99. They pay for Australian coal, having 85 per cent only of the heating property of American coal, considering that difference 462 per cent more than it costs in the United States, being four times the price that it costs the electric plants in the United States. They pay two and one-half times the amount for coal in Honolulu than they pay in the United States, and the item is important, because coal makes up 44 per cent of the total cost of production of the current there. I might suggest to the House that this is not an exclusive franchise. There is a municipal lighting plant in Honolulu run by the Territory. It does all the government lighting in the public buildings and all the streets, except about seventy are lights in the outlying districts of Honolulu. It does no commercial lighting.

"Again, in Honolulu there are only from six to eight thousand white people who use this electric current, and in comparing the prices with the price in Massachusetts we must consider Honolulu to be a city of 15,000 instead of a city of 39,000 inhabitants, because of the small number of people who consume this electricity. Further, they have long days in Honolulu, and scarcely more than about three hours for lighting; yet the company must carry a large load all the time in that country of long days. Honolulu being on the sea level, the deterioration works a hardship, and in addition to that, not being a manufacturing city, they must keep supplies on hand in abundance in order to repair machinery. The cost of officers and clerks and that class of work is 88 per cent higher in the Hawaiian Islands than it is as shown by the census bulletin in the United States. The cost of labor is 23 per cent higher in Honolulu than it is in the United States.

"The bill guards the rights of the people and preserves the rights of the company. As it came to us before, it had passed the Hawaiian legislature and received the governor's signature. Letters came to the Speaker then from ex-Governor Dole, now the United States judge appointed by the President, telling us that that bill should pass. Governor Carter wrote the same kind of a letter, and, with the superintendent of public works, all recommended Congressional action favorable to the bill as it was then presented.

"Till this day no member of the committee has heard a dissent from the Hawaiian Islands, and I venture to say that none has come to any member of Congress."

The bill, after being read and after Mr. Spaulding, of North Dakota, and Mr. Thayer, of Mass., had spoken in behalf of it, was passed. Mr. Thayer's remarks were largely on the matter of price. He said:

"This matter having been previously taken to the committee, the bill is now reported with five changes from the form in which it originally stood when first before the House. The first change was made in order to limit the jurisdiction of this committee to the district of Honolulu instead of the entire island."

considering the matter with the members interested in the corporation and representing it, concluded it would be better to have no specified limit, because the people interested in the company claim that it would be difficult for them to run the concern, bond it, or procure loans on it if there should be a limit of any specified number of years.

"Members of the committee first thought that perhaps ten years would be sufficient, but finally we concluded to leave the matter without any specified limit, the right being retained by Congress, acting upon the suggestion of the legislature of Honolulu, to change or repeal this act as may be deemed necessary hereafter, and also giving to the courts in Honolulu the right to change the rates, if, as the years go on, it should appear that those provided in the bill are not correct."

"One other change we made. In the original bill there is a limit of charge to 20 cents per kilowatt hour. We thought that too high a charge, and on consultation with the people interested in the bill there was finally an agreement, as I understand, that the charge should be fixed at 17 cents instead of 20 cents.

"Some members of the committee thought even this charge too high; but the members interested in the corporation showed us that even in the State of Massachusetts, in twenty cities having less than 75,000 inhabitants, the charge is about this amount; and I want to say to the House that the people of Massachusetts are as anxious as people anywhere to secure themselves in matters of this kind against anything like overcharging; they want to get things as cheaply as they can. They have no money to throw away at the present time, and I will add they will have less if Congress does not allow us freer trade, and therefore more abundant trade, with our near neighbors and people just across the imaginary Canadian line.

"We provided further that a superintendent should have charge of this matter and conferred upon him authority to act under certain conditions. Lastly, we provided that this company might bond or mortgage their property to a limit not exceeding sixty per cent of its actual value. I believe that every member of the committee has given attention to this matter in the hearings we have had; and I will add that this corporation, whose representatives appeared before us, seemed to us a very honorable corporation, seeking nothing more than they were justly entitled to. No one found fault with it at home; no one came before the committee to criticize it or object to the request of the company or to suggest that the company was attempting to overreach or secure any unjust advantage. We believe we have done what is right for the corporation and for the people of Honolulu, and that the bill as now reported should pass."

Consideration of the gas bill followed immediately. As the gas bill had originally passed the Senate, making the rate \$2.50, it was proposed to take up the Senate bill, instead of the House bill and amend it for \$2.25 gas but this was abandoned. This brief colloquy was all the debate in the House on the gas bill.

Mr. Spaulding, I will state, Mr. Speaker, that this bill provides, in the same way as in the electric-light bill that we passed just now, for a franchise to a gas company, permitting them to lay mains and erect works in Honolulu. The main provisions of it are in the same line as those in the electric-light bill which we have just passed. It is safeguarded in the same manner in every respect, and I do not care to take time to discuss it unless some one desires information on the subject.

Mr. Campbell, Will the gentleman state whether or not this is the same corporation that has been given authority to establish an electric-light plant that is asking for this franchise?

Mr. Spaulding, It is not the same corporation, and it has no connection with it whatever; and, further, I might say there is this difference: The electric-light bill provides a franchise for a company already in existence in that city, while this provides for a gas company yet to be organized, and gives it a franchise and the right to use the streets. It confers this authority before its organization so that they can go ahead safely and organize.

As both the bills had previously passed the Senate and as the House had passed its own bills, it became necessary to arrange for the passage of the House bills in the Senate. Senator Foraker, chairman of the Committee on the Pacific Islands and Porto Rico, was especially accommodating in bringing the House bills up at that end of the Capitol. He is always alert in behalf of just measures for Hawaii but never more so than in the present instance. Those representing the gas and electric companies here had received authority to accede to a price of 17 cents for electricity and \$2.25 for gas, as provided in the House bills, and accordingly Mr. Foraker, on Wednesday, April 14, the day following the passage of those bills in the House, asked the Senate to pass them in place of the Senate bills. This was done during the morning hour and without any debate.

Thus the way was cleared for the engrossing of both measures, which were promptly signed by the Speaker of the House and the presiding officer of the Senate and forthwith forwarded to the President for his signature.

ERNEST G. WALKER.

One Conviction Enough.

The indictment on which Clark McNeils was convicted yesterday related to violations of the regular session. A second indictment is pending against him relating to the same session of 1903. It is understood that District Attorney McNeils will demand the same sentence, saying that the case of McNeils has been marked by violations of the law.

Vessels Are Safe

The Hawaiian Islands and their surrounding waters are safe from the danger of a naval attack. The Hawaiian Islands are safe from the danger of a naval attack. The Hawaiian Islands are safe from the danger of a naval attack.

KALANIANAOLE MAKES MANY STRONG FRIENDS FOR THIS TERRITORY

(Mail Special to the Advertiser.)

WASHINGTON, D. C., April 18.—Delegate Kalanianoʻle attended a banquet of the Republican Congressional Committee at the Hotel Raleigh a few evenings ago and delivered a speech which made a very favorable impression for himself and the territory. Chairman Babcock, of that committee, had called the members thereof together for the purpose of discussing plans for the campaign. He thought this could best be done at a banquet, where everybody would be in good humor. Along in the evening, some of the members, who had been to Hawaii, including Representative Tawney, of Minn., sang a snatch of a Hawaiian song and that was the prelude for a request for a speech from the Delegate.

He talked about the islands, said that they did not aspire to statehood but because of the large payments they made to the federal Treasury, some \$100,000 monthly, were asking only for fair play in legislation from Congress. He likewise spoke of the progress the Hawaiian had made in civilization, praised Gov. Carter for the work he is doing as the head of the territorial government, and appealed forcibly to the members of the committee, as members of Congress, to help Hawaii out in her requests for federal legislation and for federal appropriations.

The speech was modest but logical and commanded careful attention. At the conclusion of the banquet the members gathered around the Delegate enthusiastically and promised that they would stand by him at the next session of Congress in helping the territory to necessary legislation.

During the winter the Delegate has had written and mailed to Senators and members of the House, mostly Republicans, over 400 individual letters explaining the needs of the territory and asking attention to pending bills. Instead of forwarding circular letters he has had most of these written to fit the case of each individual addressed. In nearly every instance he has had something to say about the resources and industries of the islands, their importance to the government in various ways, and the net profits to the government in revenues. This campaign of education has been prosecuted constantly, although the Delegate has been aware that there was small prospect of legislation at this session of Congress. However, he hoped that the information he afforded Senators and members in this way would bear fruit in the next year or two, as different measures may be pressed for action.

In every case these letters have been acknowledged by the Senators and members by whom were received and in many cases promises have been given to help the islands in every reasonable manner. The two following letters are given as examples of the many letters of this character which the Delegate has been writing:

Hon. Joseph G. Cannon, Speaker of House of Representatives, Washington, D. C.

Dear Sir: As delegate from the Territory of Hawaii, I desire to call your attention to the needs of the Territory, as indicated in the enclosed petition which has been presented and action thereon urged.

The entire country is vitally interested in trans-Pacific commerce, and the improvements petitioned for will insure the islands in every reasonable manner. The two following letters are given as examples of the many letters of this character which the Delegate has been writing:

I wish to urge upon you that these islands, isolated by two thousand miles of unbroken ocean, do not profit relatively with the mainland from ordinary Federal expenditures.

We have unusual local burdens in guarding the public health and policing the port of Honolulu from exposure due to the great trans-Pacific commerce touching at that point.

Kindly study the concise statistics presented, and please bear in mind that all proposed Army and Navy expenditures are a part of the great scheme of National defense, and only incidentally local.

For the year 1902-3, the imports to Hawaii were \$12,382,485.00, and exports, \$26,275,428.00; custom house receipts, \$1,193,677.83, and internal revenue collections, \$40,690.52—a total of \$12,333,767.35.

Hawaii is not a distributing point; all merchandise brought to the Territory is for home consumption, and therefore all customs collections are paid directly by the people. During this period 774,825.49 pounds of sugar were produced, with a value of \$25,310,684.00. Of this, the Island of Hawaii alone produced \$11,339,000 pounds.

The amount of capital invested in plantation and business enterprises is \$120,555,070. The net profit of the Territory to the Federal Government from Annexation to June 30th, 1903, was \$3,254,665.69.

The profit now is upwards of \$100,000 a month or over \$1,200,000 a year, over and above the amount expended by the Federal Government for territorial expenses.

Hawaii defrays her own legislative, besides other territorial expenses, which are paid by the Federal Government in other Territories.

Hawaii is in absolute need of public buildings for Honolulu and Hilo.

The harbor at Hilo is wholly unprotected. The heavy swells coming over Kilauea Reef make it practically impossible for vessels to take on or unload cargo, passengers and mail, except in bad weather and small boats and times are frequently wasted in the boat going to the harbor and other boats are brought up by adverse winds and other causes.

Hilo, the second city of the Territory, does a large amount of shipping. Its population and commerce is increasing rapidly.

The harbor at Honolulu needs to be dredged and the channel leading to the harbor deepened and widened, so that the largest battleships and other vessels can enter and dock for supplies or cargo.

Legislation for these improvements is imperative and necessary to foster and protect the rapidly increasing commerce of the trans-Pacific.

I fully realize that at this session it will be extremely difficult to secure any legislation. I, however, inform you briefly of our needs and situation in the hope that I can ask your aid and support early next session in securing for the Territory, appropriations for the objects specified which call for but a portion of the profits annually accumulating in the United States Treasury from that Territory.

An acknowledgment of the receipt of this communication, together with any suggestions that you may desire to make, will be highly appreciated.

Yours respectfully,
J. KALANIANAOLE,
Delegate, Territory of Hawaii.

Hon. Theo. E. Burton, Chairman, Committee on Rivers and Harbors, House of Representatives, Washington, D. C.

Dear Sir: I desire again to call your attention to House Bill 11,038, for the survey and estimate for the construction of Breakwater for protection of the Harbor at Hilo, Island of Hawaii, and Territory of Hawaii.

The harbor at Hilo is practically an open roadstead, with ample depth of water for vessels of the largest draught, but sadly in need of protection by a Breakwater from the ocean to Coconut Island.

Vessels lying in this harbor are liable at any moment to be caught in a northeast or northern tempest, in which case they are compelled to cut loose and get out to sea or be in great danger of being thrown upon the reef, the harbor being absolutely unprotected.

Owing to the heavy swells over this reef, it is practically impossible at all times to land passengers, cargo or even mail at wharves, and the same have to be taken on shore in small boats attended with great difficulty and with considerable damage to cargo and mails, by reason of small boats being unable to live in the swells.

This measure is imperative and should receive immediate attention. The Island of Hawaii contains 4,015 square miles, and has a population of about 60,000. The City of Hilo, the only city of the island, has a population upwards of 15,000, and constantly on the increase. It is the outlet and shipping point for all sugar plantations, stock ranches and products of the island. It is the terminus of island railway lines, and has steamer and sailing vessel connection with Honolulu, San Francisco and New York. For four years prior to December 12th, 1902, the increase in tonnage over previous years was 31,529 tons. The tonnage of vessels entering Hilo for the eleven months of 1902 was 70,433 tons, being an increase over the previous year of 14,376 tons.

The values of cargo carried from Hilo for four months prior to December 12th, 1902, were \$1,300,790.73, divided as follows: Coffee, \$27,402.30; hides and skins, \$25,269; general merchandise, \$37,472.45; sugar, \$4,210,646.68.

During 1901, the Island of Hawaii exported 2,620,159 pounds of coffee, having a value of \$311,897.27. Of the sugar produced by the whole Territory in 1902, namely, 355,611 tons, the Island of Hawaii produced 121,295 tons, shipped from Hilo to San Francisco, New York, etc. In 1903, the Island of Hawaii produced and shipped 170,665 tons of sugar of the 437,991 tons produced in the whole group of islands. The value of cargoes shipped from the Island of Hawaii for the four months prior to December 12th, 1902, was \$720,682.43. I regret that I have no reports of shipping for the past year, which would show large increase on above figures.

Shipping is constantly on the increase and the City of Hilo is fast becoming a commercial center. Vessels are compelled to lay for days, sometimes almost weeks, unable to land or take on cargo by reason of the heavy swells, and small boats taking mail to and from the steamers very frequently are overturned and capsized, mails going to the bottom and either lost or brought up by the divers.

The whole bay is open and northeast winds blowing over this reef form such a heavy swell that vessels are unable to lie in the harbor and are compelled to go to sea.

I desire to secure the appropriation for this survey at this session. Considerable testimony was taken before the Hawaiian Commission investigating island matters, touching the need of this Breakwater at Hilo, and immediate legislation was recommended by them.

Hilo in the near future will be a very important shipping port for the reason that the distance from Hilo to Oriental, Philippine and Australian ports is considerably over 200 miles shorter via Hilo than by way of Honolulu, and with the construction of the Panama Canal, it being more southern than Honolulu, the distance via Hilo will still be considerably lessened. The harbor is large, and amply able to accommodate a large number of vessels, being very considerably larger than that of Honolulu.

I have much desire to have an opportunity to be heard by the Committee on Rivers and Harbors, and to present the Hawaiian Commission investigating island matters, touching the need of this Breakwater at Hilo, and immediate legislation was recommended by them.

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\$1,193,677.83, Hawaii being eleventh as shown by attached list, and for the month of December alone, in 1903, they were \$160,000. The Federal Government is receiving from the Territory in excess of all its expenditures a net profit of upwards of \$100,000 per month, or more than \$1,200,000 a year, and for the period ending June 30th, 1903, the Territory had yielded a net profit to the Federal Government of \$3,254,665.69 in customs and revenue collections.

With this protection given to the Harbor of Hilo, within the period of the next ten years the City of Hilo will unquestionably increase its population to upwards of 50,000, and its shipping many fold.

The Island of Hawaii, being less developed and containing greater possibilities for agriculture than any of the other islands of the group, should receive more than ordinary consideration.

Thanking you for an early reply, I remain,

Yours truly,
(Signed) J. KALANIANAOLE,
Delegate.

Mr. Burton, chairman of the Rivers and Harbors Committee, wrote a very encouraging reply, stating that he intended to take up the case of the harbors at Honolulu and Hilo as soon as Congress assembled again next session and that he felt favorably disposed towards some action for improving these harbors.

The Delegate is aware that progress in matters of legislation is necessarily slow, but nevertheless feels very much encouraged at what Congressmen tell him they are willing to do, as soon as there comes a session where they are permitted to enact some legislation. The present session has been one of the least possible legislation, because of the approach of the presidential campaign and the desire to keep expenses down to the lowest possible figure.

ERNEST G. WALKER.

NO MINORS IN SALOONS

(From Saturday's Advertiser.)

By a unanimous opinion, written by Chief Justice Frear, the Supreme Court affirms the judgment of District Magistrate Dickey against E. S. Cunha, finding him \$25 and costs for violating Sec. 2 of Act 4, Laws of 1901, being an act to prevent the employment of minors in places where intoxicating liquors are sold, and to prevent minors from visiting such places.

Two points were raised in the appeal—one that the law was unconstitutional, and the other that the evidence was insufficient. The law of the case found by the court is as follows:

"A section of a statute may be invalid in part and valid as to the remainder."

"A statute which forbids any keeper or proprietor of any place where intoxicating or spirituous liquors are sold to permit any minor to visit or remain in the room where said liquors are sold or kept for sale is not invalid as being in excess of the police power or contrary to the 14th Amendment" (of the Constitution).

L. Andrews, Attorney General, and N. W. Aluli for the Territory; E. M. Watson for the defendant.

TRIAL CLOSING.

The case for the defense was concluded in the trial of Ferreira vs. Rapid Transit Co., damages, yesterday forenoon before Judge Robinson. Practically all of the afternoon was consumed in arranging instructions to be given the jury by the court. Counsel will begin to argue to the jury at 9 o'clock this morning.

DISTRICT COURT APPEALS.

Appeals from the Honolulu District Court have been sent up to the Circuit Court as follows:

Smith & Parsons vs. Mrs. Ella Andrews, judgment for plaintiffs for \$27.12 in action for balance of attorneys' fee.

Ah Yan vs. Koolau Malle, judgment for plaintiff for restitution of a bay horse valued at \$38 with costs against defendant.

Jas. L. Holt vs. C. Ah Young, judgment for plaintiff for \$175.93.

COURT NOTES.

W. Austin Whiting and Chas. F. Clemons, attorneys for plaintiff, have filed an exception to the verdict in the tort case of Kamakee (vs.) vs. J. H. Schneid, Harry Juen and William Savidge, as being contrary to the law and the evidence. It was a matter of ejectment from which a notable case of assault and battery went to decision by the Supreme Court.

Judge Gear has appointed Samuel M. Damon guardian of T. Ray Keyworth, an insane person.

MORE INFORMATION OF BANANAS WANTED

Governor Carter has referred to the Hawaii Promotion Committee a request from the Fruit Dispatch Co., of New York, for information relative to the banana industry of the islands. The company wants specific information relative to the fruit growing in Hawaii, and the names of some of the principal growers. The answer to the letter is left to the discretion of the committee. A similar request from the United Fruit Co. is being held up by the Board of Agriculture for fear that the information is desired for purposes hostile to the local industry.

Joseph Robinson has been elected chairman of the central committee of the Hawaiian League for the year 1904. The committee will hold its annual convention at Honolulu, Hawaii, on May 10th, 1904.

NOT A SIGN OF DAVIS

Andrews Talks of His Washington Trip.

George Davis's alleged protest to the United States Supreme Court against the admission of Attorney General Lorin Andrews to the bar of that court has, according to latest advices, not reached Washington. On the same steamer in which Mr. Andrews left for Washington, Davis announced that he had forwarded a petition against his admission to the bar for the alleged action of the attorney general in bringing the charges which resulted in the disbarment of Davis.

Attorney General Andrews returned from Washington on the Alameda yesterday. "I have heard or seen nothing of Mr. Davis since leaving Honolulu," said he; "the protest he is alleged to have made against my admission to the bar of the Supreme Court had not reached Washington as far as I could learn there. I was presented for admission to that court by the Solicitor General, Judge Hoyt, who did so at the request of Attorney General Knox."

"I know nothing of judicial appointments and took no part in the agitation being carried on at Washington for the appointment of one or the other candidate for the vacancies. I can say this much in reference to the disbarment decision and its effect on Chief Justice Frear and Judge Perry. The Department of Justice upholds the decision of the Supreme Court in the Davis matter and never intended to take any steps in his behalf. The request for an investigation in the Federal court was answered by instructions to District Attorney Breckons to bring disbarment proceedings in that court also."

ADMIRE CARTER.

"I called on the Attorney General and many prominent officials while in Washington and there is everywhere a sentiment of admiration for Governor Carter. A number of men expressed utter confidence in the administration of Governor Carter. The ability with which he handled the legislative situation has also added greatly to his prestige. When I was introduced to a number of people as being from Hawaii, I was met with the reply, 'O you people down there are all right now, you have Carter for Governor.'"

"I am as a little acquainted with the Supreme Court decision on the fishery cases as the people in Honolulu. The case was ably presented by Mr. Hatch on behalf of private interests and I appeared for the Territory. The Bishop Estate and the Damon cases were appealed as one, and were probably both decided against the Territory. The Damon case was the strongest but, I cannot say as to the effect of the decision until I see the opinion. The owners of the fishery rights cannot obtain compensation from the governments until, in the words of the Organic Act, there is a surplus in the Treasury not appropriated for any other purposes, a condition not likely to confront us for some time to come."

NINE JAPANESE UNDER ARREST FOR CONSPIRACY

Six more Japanese charged with selling women were brought over from Kaula by United States Marshal E. R. Hendry on the W. G. Hall yesterday. Three other Japanese were arrested here Thursday on receipt of a wireless message from the Marshal, saying that the prisoners wanted, had left Koloa hurriedly on the Mikahala to escape arrest.

The nine men now lodged in Oahu prison were arrested at Waimea, Eleale and Koloa by the United States marshal on warrants issued by the United States Commissioner. The men are all charged with conspiracy to sell women and District Attorney Breckons has in his possession two written bills of sale signed by some of the prisoners, which will be used as evidence against them. One of these bills of sale is peculiar. It provides that for the consideration of \$175, one Kimi, is transferred from one defendant to the other, and the seller also guarantees to return the money in case the affections of the woman are transferred to any other than the purchaser. The nine defendants are bunched in separate charges, four in one, three in another and two in the third. They are not charged with peonage but with conspiracy against the laws of the United States. The arrests are in line with the general campaign being carried on by Mr. Breckons to break up the practice of slavery among the Japanese.

ENGRAVINGS